

AMENDMENT UNDER 37 C.F.R. § 1.111  
APPLICATION NO. 09/754,394  
ATTORNEY DOCKET NO. Q62564

**REMARKS**

**I. General Remarks**

The specification stands objected to due an informality. Applicants amend the second full paragraph of page 21, as shown, in order to correct this informality. Therefore, Applicants respectfully request that the Examiner withdraw the objection to the specification.

**II. Claims**

Claims 1-17 are all the claims currently pending in the application. The Examiner has advised that Claims 8 and 16 allegedly are substantial duplicates of each other and would prompt a double patenting objection, under 37 C.F.R. § 1.75, should one of them be allowed. Claims 1-12 and 14-17 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Keiji et al., JP 2894659 (“Keiji”). Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Keiji in view of Miyazawa et al., U.S. Patent No. 4,942,417 (“Miyazawa”).

**Claims 8 and 16**

Applicants respectfully traverse the Examiner’s double patenting objection to Claims 8 and 16. Applicants submit that Claim 8 could be infringed without infringing Claim 16, by a device with a drive part for moving a detection part between a first area and a second area or between a second area and a third area, but not between a first area and a third area. Therefore, Applicants respectfully submit that an objection to either of Claims 8 or 16, on grounds of double patenting under 37 C.F.R. § 1.75, is improper under *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

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Claims 1-12 and 14-17

Applicants respectfully traverse the Examiner's rejection of Claims 1-12 and 14-17 under 35 U.S.C. § 102(b) over Keiji as follows.

With respect to independent Claims 1, 4, 7, 8, 16, and 17, as currently amended, Keiji fails to disclose or suggest:

a state indication part having arranged in order thereof first, second, and third areas, said first area including a first reflecting part and a third reflecting part, each repeatedly provided for indicating a first state to said detection part, said second area, including said first reflecting part and a second reflecting part, each repeatedly provided for indicating a second state to said detection part, and said third area, including said second reflecting part and said third reflecting part, each repeatedly provided for indicating the first state to said detection part (Claim 1, as currently amended, and *see also* Claims 4, 7, 8, 16, and 17, as currently amended).

Keiji discloses a first embodiment, illustrated in Figures 2 and 3, in which a zoom encoder, formed in a rotation ring, consists of three fields, A, B, and C. Of the three fields, A and C each comprise a single, highly-reflective material, and B comprises a black material with a low reflectivity. (Keiji, para. 12). In a second embodiment, illustrated in Figures 12 and 13, Keiji discloses a pattern 130, formed from an L-shaped portion of a low-reflectivity material, a step-shaped portion of a high-reflectivity material, and a small, rectangular portion of the low-reflectivity material. However, Keiji fails to disclose or suggest a state indication part, having three areas, a first area formed from a first reflecting part and a third reflecting part, a second

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area formed from the first reflecting part and a second reflecting part, and a third area, formed from the second reflecting part and the third reflecting part.

Therefore, Applicants respectfully submit that independent Claims 1, 4, 7, 8, 16 and 17, as currently amended, are patentable under 35 U.S.C. § 102 over Keiji. Applicants further submit that Claims 2-3, 5-6, 9-12, and 14-15, as currently amended, are patentable at least by virtue of their dependence on Claims 1, 4, and 8, and for the additional exemplary reasons presented herein.

With respect to Claims 6 and 11, as currently amended, Keiji fails to disclose or suggest at least:

said first, second, and third reflecting parts have corresponding two or more different reflecting ratios arranged repeatedly in a direction said detection part moves; said state indication part includes a count part for counting a number of times the two or more different reflecting ratios repeat when said detection part moves; and said identification part recognizes the predetermined distance using the number counted by said count part (Claim 6, as currently amended, and *see also* Claim 11, as currently amended).

With respect to a first embodiment, and as shown in Figure 2, Keiji discloses a rotating slit 33 and a zoom photo interrupter 34, located near the slit which generates an output signal. (Keiji, para. 12). With respect to the second embodiment, and as shown in Figure 12, Keiji discloses a rotator plate 224 and photo interrupters 226, which function similarly to the slit 33 and the zoom photo interrupter, respectively. However, Keiji fails to disclose or suggest a count part which counts the number of times two or more reflecting ratios repeat within first, second, and third reflecting parts, in order to measure the movement of a detection part.

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For the above exemplary reasons, therefore, Applicants respectfully request that the Examiner withdraw the §102 rejection from claims 1-12 and 14-17.

Claim 13

Applicants respectfully traverse the Examiner's rejection of Claim 13 under 35 U.S.C. § 103(a) over Keiji and Miyazawa as follows.

The Examiner acknowledges that Keiji fails to teach controlling the zoom motor such that:

said detection part returns to a position in which the state changes at a lower speed than a moving speed towards said predetermined distance if said detection part changes from the first state to the second state and from the second state to the first state when said lens part moves in a predetermined direction. (*See* Claim 13).

The Examiner looks to Miyazawa for disclosure of this limitation.

Miyazawa is directed to a camera with a powered zoom lens in which the ratio of the dimension of the image of a main object on a focal plane to the dimension of the frame can automatically be kept constant by tracking the object. To this end, Miyazawa discloses performing automatic zooming at high speed, while enabling low-speed zooming when the camera is in manual zoom mode. (*See* Miyazawa, col. 5, ln. 62 to col. 6, ln. 15). However, Miyazawa does not teach using a low speed when a detection part changes from a first state to a second state and from a second state to a first state when a lens part moves in a predetermined direction.

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Additionally, the Examiner does not discuss an additional limitation recited in Claim 13.

According to Claim 13, “said count part starts to count at the time said detection part returns to the position in which the state changes.” Keiji fails to teach or suggest this limitation, and Miyazawa fails to teach or suggest any type of count part.

For the above exemplary reasons, Applicants respectfully submit that a reasonable combination, if any, of Keiji and Miyazawa fails to teach or suggest all of the limitations as recited in Claim 13, and therefore request that the Examiner withdraw the §103 rejection from Claim 13.

### **III. Conclusion**

In view of at least the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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Date: February 23, 2004